

# JUDGE RAKOFF

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

Southern

District of

New York

3Com Corporation

### SUMMONS IN A CIVIL ACTION

v.

Capital 4, Incorporated, F. Davis Dawson, and  
Ish Villa-Lobos

CASE NUMBER

07 CIV 8707

TO: (Name and address of Defendant)

Capital 4, Incorporated  
F. Davis Dawson  
Ish Villa-Lobos  
1010 N. San Jacinto  
Houston, Texas 77002

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Daniel E. Rosenfeld  
Douglas F. Broder  
Kirkpatrick & Lockhart Preston Gales & Ellis LLP  
State Street Financial Center  
One Lincoln Street  
Boston, Massachusetts 02111  
(617) 261-3100  
Fax: (617) 261-3175

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

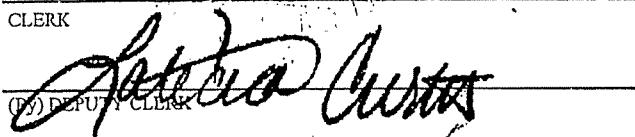
**J. MICHAEL McMAHON**

CLERK

(P) DEPUTY CLERK

OCT 09 2007

DATE



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <i>DAN PAYACHEE</i>		
<input type="checkbox"/> Returned unexecuted:  <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____	Date _____	<i>Signature of Server</i> _____
<small>Address of Server</small> _____		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

3COM CORPORATION,

§

Plaintiff,

§

-against-

§

CAPITAL 4, INCORPORATED, F. DAVIS  
DAWSON and ISH VILLA-LOBOS,  
Defendants.

§  
§  
§  
§

AFFIDAVIT OF SERVICE

CASE NUMBER: 07 CIV 8707

Came to hand on the 10<sup>th</sup> day of October, 2007, at 5:23 o'clock P.M.,  
Executed at 1010 North San Jacinto, Houston, Texas 77002, within the  
County of Harris at 1:00 o'clock P.M. on the 11<sup>th</sup> day of October, 2007,  
by delivering to the within named

F. DAVIS DAWSON,

in person a true copy of this

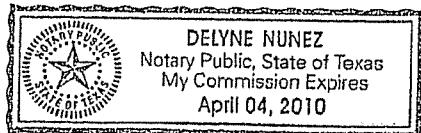
SUMMONS IN A CIVIL ACTION with COMPLAINT, CIVIL COVER SHEET, REPORT  
ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT  
OR TRADEMARK, NOTICE OF APPEARANCE AND REQUEST FOR SERVICE OF  
PAPERS (DOUGLAS F. BRODER), NOTICE OF APPEARANCE AND REQUEST FOR  
SERVICE OF PAPERS (DANIEL E. ROSENFIELD), LOCAL RULE 7.1 STATEMENT,  
INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE DEBRA FREEMAN and  
INDIVIDUAL RULES OF PRACTICE, HON. JED S. RAKOFF attached,

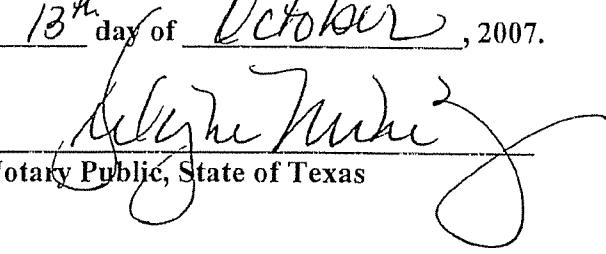
having first endorsed on same date of delivery.

  
R. C. RIVERA  
Authorized Person #SCH1038  
Harris County, Texas

On this day personally appeared R. C. RIVERA, known to me to be the person whose name is subscribed on the foregoing instrument and who has stated under oath: "My name is R. C. RIVERA. I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude."

Subscribed and sworn to before me on this 13<sup>th</sup> day of October, 2007.



  
Notary Public, State of Texas